

UNITED STATES DISTRICT COURT
 for the
 District of New Mexico



In the Matter of the Search of)
(Briefly describe the property to be searched or identify the person by name and address))
 Single story mobile home residence; East of Sandstone)
 Drive/South of Highway N36, Kirtland, NM)
 GPS: 36°43'16"N, 108°16'49"W)
)
 Case No. 22-MR-576

AMENDED APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

Single story mobile home residence; East of Sandstone Drive/South of Highway N36, Kirtland, NM - GPS: 36°43'16"N, 108°16'49"W and the surrounding property, any storage sheds, garages, and car ports on the property.

located in the _____ District of New Mexico, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B of Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1153	Offenses committed in Indian country
18 U.S.C. § 113(a)(1)	Assault with intent to commit murder

The application is based on these facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Alyson Berry
 Applicant's signature

Alyson Berry, Special Agent, FBI
 Printed name and title

Sworn to before me and signed in my presence.

Date: 04/19/2022

City and state: Farmington, NM

B. Paul Briones
 Judge's signature

B. Paul Briones, US Magistrate Judge
 Printed name and title

**AMENDED AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

I, Alyson M. Berry, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”), where I have been employed in that capacity since July 2020. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility for crimes that occur in Indian Country, including violent crimes such as homicide, robbery, aggravated assault, and child sexual assault. In 2021, I attended an Indian Country Crime Scene Investigation course, including advanced techniques for evidence collection and best practices for violent crime case management.

2. The information set forth in this affidavit has been derived from an investigation conducted by the Farmington Resident Agency of the FBI, the Navajo Nation Department of Criminal Investigations (“NNDCI”), and San Juan County Sheriff’s Office (“SJCSO”).

3. The location to be searched is described in the following paragraph and in Attachment A. The target location described in this affidavit includes a single-story mobile home residence located east of Sandstone Drive, south of Highway N36, Kirtland, New Mexico, with GPS coordinates 36°43'16"N, 108°16'49"W (“Target Location”).

4. Based on the facts set forth in this affidavit, there is probable cause to believe there were violations of 18 U.S.C. § 1153 Offenses committed in Indian country; 18 U.S.C. § 113(a)(1) Assault with intent to commit murder committed by MYLES CORDELL DAN PADILLA, year of birth 1991 (herein referred to as PADILLA) and that evidence of such crimes may be contained in the Target Location.

5. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to believe that evidence of the crimes alleged are located in the Target Location.

PROBABLE CAUSE

6. On April 10, 2022, SJCSO responded to San Juan County Regional Medical Center regarding a male shooting victim, identified with initials S.C. and year of birth 2000 (referred to herein as John Doe). According to John Doe, he was traveling eastbound on Highway N36 in Kirtland, New Mexico. John Doe stopped his vehicle when he saw PADILLA waving his arms in the air. PADILLA pointed a firearm at John Doe, instructing him to drive the vehicle westbound on Highway N36 and later turning south onto Sandstone Drive.

7. PADILLA shot the gun several times in front of John Doe's face, out the driver's side window, as John Doe drove the car. Upon turning on Sandstone Drive, PADILLA told John Doe to drive to the end of the street where PADILLA planned to "dump" his body. John Doe began physically fighting PADILLA for control of the firearm. PADILLA fired the gun, shooting John Doe in the underarm of his right side. The bullet entered and exited John Doe's underarm. PADILLA and John Doe rolled out of the passenger side of the vehicle and continued to fight on Sandstone Drive. PADILLA ran around the vehicle and between two residential houses. John Doe climbed back into the driver's seat and sped away.

8. John Doe drove himself to San Juan Regional Medical Center, where SJCSO law enforcement officers secured his vehicle, a tan Mercury Grand Marquis. Upon learning the shooting occurred on Navajo Nation Indian Reservation, SJCSO referred the case to FBI Farmington Resident Agency. During an interview with law enforcement, John Doe disclosed he did not know who assaulted him, but described the individual as a Navajo male with long black hair and tattoos, wearing dark jeans, a black t-shirt and black jacket. John Doe signed a Consent to Search form for the Mercury Grand Marquis, bearing License Plate AGZD35. According to John Doe, the assailant's two cell phones fell from his pocket while the two were fighting and likely remained in the vehicle. John Doe was subsequently released from the hospital.

9. On the morning of April 11, 2022, pursuant to the Consent to Search signed by John Doe, Special Agents conducted a search of the Mercury Grand Marquis. Three .380 shell casings were located on the front seat of the vehicle. Entry and exit bullet holes were documented on the driver's side headrest. Several areas of a red substance, presumed blood, were swabbed for later laboratory analysis. Several long black hairs tangled on the passenger side door frame were collected. Two cell phones were found on the front passenger side floorboard. One of the cell phones contained a driver's license for PADILLA in an attached card holder. PADILLA matched the description of the assailant described by John Doe during his interview with law enforcement.

10. Later in the afternoon on April 11, 2022, Special Agents from the FBI Farmington Resident Agency conducted a neighborhood canvas on Sandstone Drive to determine if anyone witnessed the altercation between PADILLA and John Doe. A resident on the east side of the street heard gunshots and observed a large tan vehicle traveling up the road, driven by a white male (matching the description of John Doe). The white male and passenger, a Navajo male with a long ponytail, began fighting within the vehicle. The resident observed the two roll out of the

passenger side of the vehicle, where the fighting continued. The Navajo male ran around the vehicle and towards the resident's home, through his back yard, jumping over a chain link fence and running through the missing slats of a wooden privacy fence. The resident believed the Navajo male lived at the adjacent mobile home and showed Agents footprints indicating where the male ran and the single-wide mobile home where he resided. The witness observed a pistol in the Navajo male's hand.

11. Agents attempted to conduct an interview with PADILLA at the Target Location. PADILLA's mother acknowledged her son was present, repeatedly pleading with him to speak to law enforcement. PADILLA came to the front door several times but consistently refused to cooperate. Agents positively identified PADILLA through confirmation by his family members and by the tattoos on his face and neck matching his driver's license photo. An adult male within the residence attempted to convince PADILLA to speak to Agents. PADILLA responded by yelling, "If I go out there, I'm going to shoot them." PADILLA was observed walking back to a room within the mobile home and began rummaging through a dresser. Upon observing an FBI Special Agent standing outside his window, PADILLA yelled, "I'm going to shoot your fucking brains out." PADILLA's threats indicated his likely possession of a firearm and ease of accessibility within the residence. Agents instructed PADILLA's mother to provide contact information to PADILLA should he decide to participate in an interview, and immediately left the premises.

12. Based on the information provided in this affidavit, your affiant believes the handgun used in the commission of the assault is located within the Target Location described in paragraph 3.

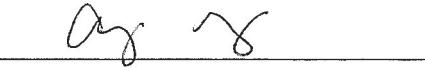
13. The incident under investigation occurred within the exterior boundaries of the Navajo Nation Indian Reservation. John Doe is a registered member of the Alaskan Bitter Water tribe, and PADILLA is a registered member of the Navajo Nation.

AUTHORIZATION REQUEST

14. Based on the facts set forth in this affidavit, there is probable cause to believe there was a violation of 18 U.S.C. § 1153 Offenses committed in Indian country; 18 U.S.C. § 113(a)(1) Assault with intent to commit murder, and that evidence of such crimes may be contained in the Target Location.

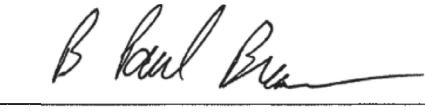
15. Supervisory Assistant United States Attorney Kyle Nayback, District of New Mexico, reviewed and approved this affidavit.

16. I swear that this information is true and correct to the best of my knowledge and belief.



Alyson M. Berry, Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me on April 19, 2022.



The Honorable B. Paul Briones
United States Magistrate Judge

AMENDED ATTACHMENT A

Property to Be Searched

This warrant applies to the single-story mobile home residence located east of Sandstone Drive, south of Highway N36, Kirtland, New Mexico, with GPS coordinates 36°43'16"N, 108°16'49"W (referred to as the "Target Location"), the surrounding property, and any storage sheds, garages, and car ports on the property.

ATTACHMENT B

Particular Things to Be Seized

1. Handguns.